

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-33 remain in this application. Claim 1 has been amended to recite that the self foaming composition begins to foam upon contact with the skin, hair or bath or shower water. Support for this amendment can be found in the Specification at least at page 8 lines 37-38. Accordingly, no new matter is introduced by this Amendment.

II. Rejection Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-7, 9-14, 17-19, 21, 22, 25-29 and 31-33 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,407,044 (“Dixon”). Applicants respectfully traverse this rejection.

Dixon relates to an aerosol personal cleansing composition comprising a neat cleansing lotion comprising a lathering surfactant, a lipophilic skin moisturizing agent, a stabilizer water and a hydrocarbon propellant. Dixon specifically teaches that “[t]he aerosol compositions of the present invention form a lotion, rather than a foam, after being dispensed from the package” (emphasis added). See col. 2, lines 24-26. In contrast, the compositions according to Applicants claimed invention are “self foaming” and begin to foam upon contact with the skin, hair or bath or shower water. Accordingly, Dixon cannot anticipate the present claims and the rejection should be withdrawn.

III. Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 8, 15, 16, 20, 23, 24, and 30 as allegedly unpatentable over Dixon as applied above and further in view of Carbopol ETD 2020 Technical Data (“NoVeon”). Applicants respectfully traverse this rejection at least for the reasons stated above. Dixon fails to teach or suggest the self-foaming composition recited by Applicants’ claims. NoVeon fails to remedy this deficiency in that NoVeon does not mention self-foaming compositions. Accordingly, Applicants respectfully request withdrawal of this rejection.

IV. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP0555USNP/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: July 12, 2005